

FISCAL NOTE

SB 2699 - HB 3938

February 3, 2008

SUMMARY OF BILL: Increases the penalty for knowingly spying on another without prior consent, when the person is in a place where there is a reasonable expectation of privacy from a Class A misdemeanor to a Class E felony. If the victim is an adult, offense is punishable by a maximum fine of \$3,000. If victim is older than 13 but less than 18 years of age, the offense is punishable by a maximum fine of \$6,000. If victim is 13 years of age or less, the offense is punishable by a maximum fine of \$10,000. For a third or subsequent violation, regardless of age, a violation is a Class E felony punishable by fine and incarceration. Authorizes the court to require psychological counseling at the expense of the offender. Adds observation without consent to the list of felonies designated as "sexual offenses" for the purpose of the sexual offender registry.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$10,000/One-Time
\$1,400/Incarceration***

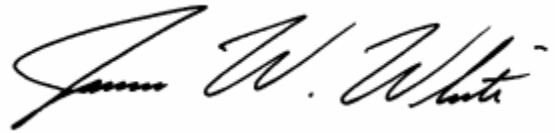
Assumptions:

- Currently it is a Class A misdemeanor for the offense of knowingly spying on another without prior consent, when a person is in a place where there is a reasonable expectation of privacy, regardless of the circumstances.
- One Class E felony every five years with 0.3 years time served (109.58 days) for a third or subsequent violation. The annualized time served per conviction is 21.92 days (0.20 annual number of convictions x 109.58 days served).
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The annualized cost per conviction is \$1,375.89 (0.20 x 109.58 days x \$62.78).
- No significant incarceration cost increase will occur due to population growth in this period.
- The Tennessee Bureau of Investigation would have a one-time increase in expenditures of \$10,000 due to programming changes to the existing sexual offender registry.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/lsc